

REMARKS

Reconsideration of the present application, as amended, is respectfully requested. Claims 44-50 have been cancelled. Claims 1 and 22 have been amended. Applicants amendments are made to place the claims into better condition for appeal. Therefore, claims 1-43 are presented for examination.

The Examiner rejected claims 1-4, 6-25, and 27-43 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Number 5,892,900 by Ginter et al. in view of alleged knowledge in the art. Ginter discloses methods and systems for digital rights management using secure subsystems. The secure subsystems provide a virtual distribution environment (VDE) that enforces a secure chain of handling and control across a network (Ginter, column 9, lines 19-32).

Claim 1, as amended, recites:

A method for tracking transactions involving media assets on a data network, said data network being serviced by one or more service providers, the method comprising:

tracking information, at a media gateway, characterizing a particular media asset of interest that is uploaded to the media gateway associated with the data network, wherein the media gateway captures a plurality of media assets uploaded from a plurality of devices;

receiving a request to engage one or more of said service providers to perform one or more services for the particular media asset; and

tracking transaction information allowing billing of the requested services, wherein the transaction information includes information indicating which of the service providers performed a service for the particular media asset.

(Claim 1, as amended). Ginter does not teach or suggest tracking information at a media gateway that characterizes a particular media asset, where the media gateway captures a plurality of media assets uploaded from a plurality of devices.

The Examiner defines a gateway as “a device that connects networks using different communication protocols so that information can be passed from one to the other.” In addition, the Examiner asserts that Figure 1 discloses a gateway, as defined above, because Figure 1 discloses multiple networks connected to Ginter’s information utility. Applicant respectfully submit that Examiner fails to use Applicant’s own definition for the term “media gateway.” Applicant respectfully submits that the media gateway of applicant is not simply a device that connects networks with different protocols. Rather, the media gateway, as defined by Applicants in the specification, and recited in claim 1, is a device that “captures a plurality of media assets uploaded from a plurality of devices” and “tracking information, at [the] media gateway, characterizing a media asset”. Applicants’ media gateway is supported in the specification, for example at p. 5, lines 11-12 and p. 20, lines 4-8.

The Examiner’s use of the term “media gateway” appears to disregard the limitations of capturing a plurality of media assets or tracking information characterizing a media asset at the gateway. Furthermore, there is no teaching or suggestion in Ginter that teaches or suggests a media gateway. Applicants respectfully submit that the alleged knowledge in the art also does not teach or suggest a media gateway as defined by Applicants. Therefore, Applicants respectfully submit that claim 1, and claims 2-21 and 41 that depend on claim 1, are not obvious over Ginter. Applicants respectfully submit that the term “media gateway” was properly defined as permitted by MPEP §2110.01 and the Examiner should use Applicants’ own definition for the term.

Claim 22, as amended, recites:

A system for tracking and managing media assets on a data network, said data network being serviced by one or more service providers, the system comprising:

a media gateway module for capturing uploading of a particular media asset of interest that is uploaded to the data network, wherein the media gateway module captures a plurality of media assets uploaded from a plurality of devices;

a module for processing a request to engage one or more of said service providers to perform one or more services for the particular media asset; and

a module for tracking transaction information pertaining to billing of the requested services, wherein said transaction information includes information indicating which service providers performed a service for the particular media asset.

(Claim 22, as amended). As noted above, Ginter does not teach or suggest a media gateway module that captures a plurality of media assets uploaded from a plurality of devices.

In addition, Ginter does not teach or suggest a tracking information module that tracks information at the media gateway module characterizing a particular media asset. Therefore, claim 22 and claims 23-40 and 42-43 that depend on claim 22, are not obvious over Ginter.

Examiner rejected claims 5 and 26 under 35 U.S.C. §103(a) as being unpatentable over Ginter et al. in view of U.S. Patent Number 6,657,702 by Chui et al. However, Chui only qualifies as prior art under 35 U.S.C. § 102(e) because it issued after Applicants' effective filing date. Applicants do not admit that Chui is prior art and reserve the right to swear behind the reference at a later date.

Chui discloses encoding a recipient identifier in a photographic image where the identifier is used when re-ordering photographic prints. Furthermore, additional printing parameters are encoded in the photographic image.

Claim 5 depends on claim 1, and incorporates its limitations. Claim 1, as amended, recites:

A method for tracking transactions involving media assets on a data network, said data network being serviced by one or more service providers, the method comprising:

tracking information, at a media gateway, characterizing a particular media asset of interest that is uploaded to the media gateway associated with the data network, wherein the media gateway captures a plurality of media assets uploaded from a plurality of devices;

receiving a request to engage one or more of said service providers to perform one or more services for the particular media asset; and

tracking transaction information allowing billing of the requested services, wherein the transaction information includes information indicating which of the service providers performed a service for the particular media asset.

(Claim 1, as amended). As noted above, Ginter does not teach or suggest a media gateway module that receives a plurality of media assets uploaded from a plurality of devices. Chui does not cure this shortcoming, as Chui does not teach the concept of a media gateway. Chui is directed towards encoding identifiers and printing parameters in photographic images. Therefore, claim 5 which depends on claim 1 and incorporates its limitations is not obvious over Ginter in view of Chui.

Claim 26 depends on claim 22, and incorporates its limitations. Claim 22, as amended, recites:

A system for tracking and managing media assets on a data network, said data network being serviced by one or more service providers, the system comprising:

a media gateway module for capturing uploading of a particular media asset of interest that is uploaded to the data network, wherein the media gateway module receives a plurality of media assets uploaded from a plurality of devices;

a module for tracking information at the media gateway, wherein the tracking information module tracks information characterizing the particular media asset;

a module for processing a request to engage one or more of said service providers to perform one or more services for the particular media asset; and

a module for tracking transaction information pertaining to billing of the requested services, wherein said transaction information includes information indicating which service providers performed a service for the particular media asset.

(Claim 22, as amended). As noted above, neither Ginter nor Chui teach or suggest a media gateway module that receives a plurality of media assets uploaded from a plurality of devices. Thus, claim 26 is not obvious over Ginter in view of Chui.

Applicant respectfully submits that in view of the amendments and discussion set forth herein, the applicable rejections have been overcome. Accordingly, the present and amended claims should be found to be in condition for allowance.

If a telephone interview would expedite the prosecution of this application, the Examiner is invited to contact Eric Replogle at (408) 720-8300.

If there are any additional charges/credits, please charge/credit our deposit account no. 02-2666.

Respectfully submitted,
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Dated: April 22, 2005



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